

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:  
THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA  
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the  
Commonwealth, ERS, and HTA.**

**NOTICE OF CORRESPONDENCE REGARDING  
THE FOUR HUNDRED FIFTY-THIRD OMNIBUS OBJECTION  
(NON-SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO, THE  
EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE  
COMMONWEALTH OF PUERTO RICO, AND THE PUERTO RICO HIGHWAYS  
AND TRANSPORTATION AUTHORITY TO CLAIMS ASSERTING LIABILITIES  
OWED BY ENTITIES THAT ARE NOT TITLE III DEBTORS**

---

To the Honorable United States District Judge Laura Taylor Swain:

1. On May 13, 2022, the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Highways and Transportation Authority (“HTA,” and together with the

---

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA,” and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Commonwealth and ERS, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> filed the *Four Hundred Fifty-Third Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Highways and Transportation Authority to Claims Asserting Liabilities Owed by Entities That Are Not Title III Debtors* [Case No. 17-BK-3283-LTS, ECF No. 20784]<sup>3</sup> (the “Four Hundred Fifty-Third Omnibus Objection”) to various proofs of claim.

2. The Four Hundred Fifty-Third Omnibus Objection seeks to disallow claims that seek recovery for asserted liabilities owed by entities that are not Title III debtors, each as set forth on Exhibit A thereto. In particular, the Four Hundred Fifty-Third Omnibus Objection sought to disallow, among other claims, Proof of Claim No. 31895 (the “Ortiz Romero Claim”) because it asserts liabilities against the Government Development Bank for Puerto Rico (the “GDB”), not the Commonwealth, ERS, HTA, or any of the other Debtors. *See* Four Hundred Fifty-Third Omnibus Objection, Ex. A [ECF No. 20784-1] at 16.

3. On June 15, 2022, the Objecting Debtors received the attached correspondence from Pedro Ortiz Romero (“Ortiz Romero”), a copy of which is attached hereto as **Exhibit A** (the “Ortiz Romero Response”), regarding the Ortiz Romero Claim.

4. The Ortiz Romero Response does not assert liabilities against any of the Debtors. Rather, therein, Ortiz Romero concedes that the Ortiz Romero Claim relates to “the debt owed to

---

<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101-2241.

<sup>3</sup> Unless otherwise stated herein, ECF citations refer to documents filed in Bankruptcy Case No. 17-BK-3283-LTS.

me by the GDB.” Ortiz Romero Response at 5. The Ortiz Romero Response contends that Ortiz Romero was subject to age-related discrimination at the GDB, and was fired on a discriminatory basis. It also attaches documentation regarding Ortiz Romero’s employment at GDB and various suits filed by Ortiz Romero against the GDB asserting his age discrimination claims. *See id.* at 7-8 (discussing employment at and suits against GDB); *id.* at 9-10 (discussing GDB background and related qualifying modification). None of this documentation, however, demonstrates that the Commonwealth or any other Title III Debtor is liable to Ortiz Romero for the age-related discrimination claims he asserts against the GDB.

5. The Ortiz Romero Response contends that, because GDB restructured its indebtedness pursuant to Title VI of PROMESA, GDB is “part of [PROMESA],” and therefore, the Commonwealth is liable to him for his employment discrimination claims. *Id.* at 5–6. Whether the GDB was reorganized pursuant to Title VI is irrelevant, however, because it does not demonstrate that the Commonwealth or any other Title III debtor is liable for or has guaranteed payment for the liabilities Ortiz Romero asserts.

6. Ortiz Romero further contends that the Ortiz Romero Claim should not be disallowed because, pursuant to the Fourteenth Amendment’s due process clause, “Claimant has the right to have his claim addressed[, w]hich is a valid debt before the Law.” Ortiz Romero Response at 13. Disallowance of an invalid claim pursuant to PROMESA and the Court’s procedures is not a deprivation of due process, however.

7. Accordingly, the Debtors respectfully request the Court grant the Four Hundred Fifty-Third Omnibus Objection and disallow the Ortiz Romero Claim, notwithstanding the Ortiz Romero Response.

Dated: April 11, 2023  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

Hermann D. Bauer

USDC No. 215205

Carla García Benítez

USDC No. 203708

Gabriel A. Miranda

USDC No. 306704

**O'NEILL & BORGES LLC**

250 Muñoz Rivera Ave., Suite 800

San Juan, PR 00918-1813

Tel: (787) 764-8181

Fax: (787) 753-8944

/s/ Brian S. Rosen

Martin J. Bienenstock (*pro hac vice*)

Brian S. Rosen (*pro hac vice*)

**PROSKAUER ROSE LLP**

Eleven Times Square

New York, NY 10036

Tel: (212) 969-3000

Fax: (212) 969-2900

*Attorneys for the Financial Oversight and  
Management Board as representative for the  
Commonwealth of Puerto Rico, the  
Employees Retirement System of the  
Commonwealth of Puerto Rico, and the  
Puerto Rico Highways and Transportation  
Authority*